



ORIGINAL

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305 | Fax 415.543.7861

1 JEFFREY F. KELLER (SBN 148005)
2 jfkeller@kellergrover.com
3 KATHLEEN R. SCANLAN (SBN 197529)
4 kscanlan@kellergrover.com
5 **KELLER GROVER, LLP**
6 1965 Market Street
7 San Francisco, California 94103
8 Telephone: (415) 543-1305
9 Facsimile: (415) 543-7861

10 JULIE BRACKER (GA Bar No 073803)
11 Julie@Fcacounsel.com
12 JASON MARCUS (GA Bar No 949698)
13 jason@fcacounsel.com
14 **BRACKER & MARCUS LLC**
15 3225 Shallowford Road, Ste 1120
16 Marietta, GA 30062
17 Telephone: (770) 988-5035
18 Facsimile: (678) 648-5544

19 Attorneys for Relator

20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA
22 WESTERN DIVISION

23 [UNDER SEAL]

24 Plaintiff[s],

25 v.

26 [UNDER SEAL]

27 Defendant[s].

28

FILED

2016 FEB -5 PM 1:09

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY:

BRANDON HORNSBY
(GA Bar No. 367680)
BH@Hornsbylaw.com
HORNSBY LAW GROUP
118 W. Peachtree St. NW #2220
Atlanta, GA 30309
Telephone: (404) 577-1505
Facsimile: (404) 577-1565

Case No.

CV 16-00835 SVW(RAO)

FILED IN CAMERA AND
UNDER SEAL PURSUANT TO
31 U.S.C. § 3730 (b)

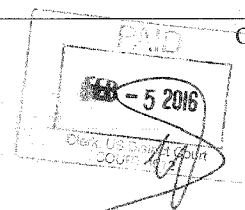
**COMPLAINT FOR VIOLATIONS
OF THE FEDERAL
FALSE CLAIMS ACT**

JURY TRIAL DEMANDED

DO NOT ENTER ON PACER
DO NOT PLACE IN PRESS BOX

COMPLAINT

CASE NO:



ORIGINAL

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305 | Fax 415.543.7861

1 JEFFREY F. KELLER (SBN 148005)
2 jfkeller@kellergrover.com
3 KATHLEEN R. SCANLAN (SBN 197529)
4 kscanlan@kellergrover.com
5 **KELLER GROVER, LLP**
6 1965 Market Street
7 San Francisco, California 94103
8 Telephone: (415) 543-1305
9 Facsimile: (415) 543-7861

10 JULIE BRACKER (GA Bar No 073803)
11 Julie@Fcacounsel.com
12 JASON MARCUS (GA Bar No 949698)
13 jason@fcacounsel.com
14 **BRACKER & MARCUS LLC**
15 3225 Shallowford Road, Ste 1120
16 Marietta, GA 30062
17 Telephone: (770) 988-5035
18 Facsimile: (678) 648-5544

19 Attorneys for Relator

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**
22 **WESTERN DIVISION**

23 [UNDER SEAL]

24 Plaintiff[s],

25 v.

26 [UNDER SEAL]

27 Defendant[s].

28 COMPLAINT

BRANDON HORNSBY
(GA Bar No. 367680)
BH@Hornsbylaw.com
HORNSBY LAW GROUP
118 W. Peachtree St. NW #2220
Atlanta, GA 30309
Telephone: (404) 577-1505
Facsimile: (404) 577-1565

2016 FEB -5 PM 1:08
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: [Signature]

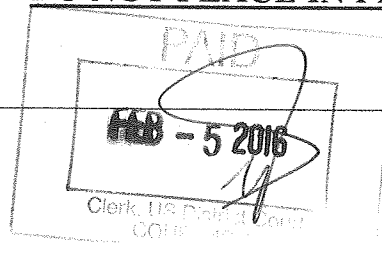
Case No. CV 16-00835 SVW(RAO)

FILED IN CAMERA AND
UNDER SEAL PURSUANT TO
31 U.S.C. § 3730 (b)

**COMPLAINT FOR VIOLATIONS
OF THE FEDERAL
FALSE CLAIMS ACT**

JURY TRIAL DEMANDED

DO NOT ENTER ON PACER
DO NOT PLACE IN PRESS BOX



CASE NO:

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305; Fax 415.543.7861

1 JEFFREY F. KELLER (SBN 148005)
2 jfkeller@kellergrover.com
3 KATHLEEN R. SCANLAN (SBN 197529)
4 kscanlan@kellergrover.com
5 **KELLER GROVER, LLP**
6 1965 Market Street
7 San Francisco, California 94103
8 Telephone: (415) 543-1305
9 Facsimile: (415) 543-7861

10 JULIE BRACKER (GA Bar No 073803)
11 Julie@Fcacounsel.com
12 JASON MARCUS (GA Bar No 949698)
13 jason@fcacounsel.com
14 **BRACKER & MARCUS LLC**
15 3225 Shallowford Road, Ste 1120
16 Marietta, GA 30062
17 Telephone: (770) 988-5035
18 Facsimile: (678) 648-5544

BRANDON HORNSBY
(GA Bar No. 367680)
BH@Hornsbylaw.com
HORNSBY LAW GROUP
118 W. Peachtree St. NW #2220
Atlanta, GA 30309
Telephone: (404) 577-1505
Facsimile: (404) 577-1565

19 Attorneys for Relator
20 Llorens Pembroke

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**
23 **WESTERN DIVISION**

24 UNITED STATES OF AMERICA *ex*
25 *rel* LLORENS PEMBROOK,

26 Plaintiff-Relator

27 v.

28 PROVIDENCE HEALTH &
SERVICES, PROVIDENCE
TARZANA MEDICAL CENTER,
PROVIDENCE HOLY CROSS
MEDICAL CENTER, PROVIDENCE
LITTLE COMPANY OF MARY
MEDICAL CENTER TORRANCE,
PROVIDENCE SAINT JOHN'S
HEALTH CENTER, PROVIDENCE
SAINT JOSEPH MEDICAL CENTER,

Case No.:

FILED IN CAMERA AND
UNDER SEAL PURSUANT TO
31 U.S.C. § 3730 (b)

**COMPLAINT FOR VIOLATIONS
OF THE FEDERAL
FALSE CLAIMS ACT**

JURY TRIAL DEMANDED

DO NOT ENTER ON PACER
DO NOT PLACE IN PRESS BOX

COMPLAINT

CASE NO:

KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305; Fax 415.543.7861

1 PROVIDENCE TRINITYCARE
 2 HOSPICE - CERRITOS,
 3 PROVIDENCE TRINITYCARE
 4 HOSPICE - TORRANCE,
 5 PROVIDENCE TRINITYKIDS CARE,
 6 PROVIDENCE HEALTH &
 7 SERVICES - OREGON, PROVIDENCE
 8 HOOD RIVER MEMORIAL
 9 HOSPITAL, PROVIDENCE
 10 MEDFORD MEDICAL CENTER,
 11 PROVIDENCE MILWAUKIE
 12 HOSPITAL, PROVIDENCE
 13 NEWBERG MEDICAL CENTER,
 14 PROVIDENCE PORTLAND
 15 MEDICAL CENTER, PROVIDENCE
 16 SEASIDE HOSPITAL, PROVIDENCE
 17 ST. VINCENT MEDICAL CENTER,
 18 PROVIDENCE WILLAMETTE FALLS
 19 MEDICAL CENTER, BENEDICTINE
 20 HOSPICE, PROVIDENCE HOSPICE -
 21 MEDFORD, PROVIDENCE HOSPICE
 22 - HOOD RIVER, PROVIDENCE
 23 HOSPICE - PORTLAND,
 24 PROVIDENCE HEALTH &
 25 SERVICES - WASHINGTON,
 26 PROVIDENCE CENTRALIA
 27 HOSPITAL, PROVIDENCE ST.
 28 JOSEPH'S HOSPITAL, PROVIDENCE
 MOUNT CARMEL HOSPITAL,
 PROVIDENCE REGIONAL
 MEDICAL CENTER COLBY
 CAMPUS, PROVIDENCE ST. PETER
 HOSPITAL, PROVIDENCE HOLY
 FAMILY HOSPITAL, PROVIDENCE
 SACRED HEART CHILDREN'S
 HOSPITAL, PROVIDENCE SACRED
 HEART MEDICAL CENTER,
 PROVIDENCE ST. MARY MEDICAL
 CENTER, SOUNDHOMECARE AND
 HOSPICE, HOSPICE OF SEATTLE
 PALLIATIVE CARE, HOSPICE AND

COMPLAINT

CASE NO:

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305; Fax 415.543.7861

1 HOME CARE OF SNOHOMISH
2 COUNTY, PROVIDENCE HEALTH
3 & SERVICES - MONTANA, ST.
4 PATRICK HOSPITAL, PROVIDENCE
5 ST. JOSEPH MEDICAL CENTER,
6 PROVIDENCE HEALTH SYSTEM -
7 SOUTHERN CALIFORNIA,
8 PROVIDENCE TRINITYCARE
9 HOSPICE,

Defendants.

COMPLAINT

CASE NO:

1 Relator Llorens Pembroke, on behalf of himself and the United States of
2 America, brings this action and shows the following:

3 JURISDICTION AND VENUE

4 1. This action arises under the Federal False Claims Act, as amended, 31
5 U.S.C. §§ 3729 *et seq.*

6 2. This court has subject matter jurisdiction over this action pursuant to 28
7 U.S.C. § 3732(a), 31 U.S.C. § 3732(b), and 28 U.S.C. § 1331.

8 3. This court has personal jurisdiction over Defendants and is a proper venue
9 pursuant to 31 U.S.C. § 3732(a) and 28 U.S.C. § 1931(b) in that Defendants do or
10 transact business in this jurisdiction and the violations of the False Claims Act
11 described herein were carried out in this district.

12 PARTIES TO THE ACTION

13 4. Providence Health & Services ("Providence") is the third largest not-for-
14 profit health system in the United States, operating 34 hospitals, 475 physician
15 clinics, 22 long-term care facilities, and 19 hospice and home health programs
16 across Alaska, California, Montana, Oregon, and Washington.

17 5. Providence serves over 7,000 people in home health and palliative care
18 programs on a daily basis.

19 6. Providence Tarzana Medical Center; Providence Holy Cross Medical
20 Center; Providence Little Company of Mary Medical Center Torrance; Providence
21 Saint John's Health Center; Providence Saint Joseph Medical Center; Providence
22 TrinityCare Hospice – Cerritos; Providence TrinityCare Hospice – Torrance;
23 Providence TrinityKids Care; Providence Health & Services - Oregon; Providence
24 Hood River Memorial Hospital; Providence Medford Medical Center; Providence
25 Milwaukie Hospital; Providence Newberg Medical Center; Providence Portland
26 Medical Center; Providence Seaside Hospital; Providence St. Vincent Medical
27 Center; Providence Willamette Falls Medical Center; Benedictine Hospice;
28 Providence Hospice - Medford; Providence Hospice - Hood River; Providence

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305; Fax 415.543.7861

1 Hospice - Portland; Providence Health & Services - Washington; Providence
 2 Centralia Hospital; Providence St. Joseph's Hospital; Providence Mount Carmel
 3 Hospital; Providence Regional Medical Center Colby Campus; Providence St.
 4 Peter Hospital; Providence Holy Family Hospital; Providence Sacred Heart
 5 Children's Hospital; Providence Sacred Heart Medical Center; Providence St.
 6 Mary Medical Center; Soundhomecare and Hospice; Hospice of Seattle Palliative
 7 Care; Hospice and Home Care of Snohomish County; Providence Health &
 8 Services - Montana; St. Patrick Hospital; Providence St. Joseph Medical Center;
 9 Providence Health System - Southern California; and Providence TrinityCare
 10 Hospice are Providence-owned locations offering palliative care services.

11 7. Providence Tarzana Medical Center ("Tarzana") is a 245-bed facility
 12 purchased by Providence Health & Services in July 2008.

13 8. Tarzana has an average daily census of 173 patients. Usually approximately
 14 5-10 patients are on palliative care at a time, and approximately 80%-90% of those
 15 patients are Medicare beneficiaries, with the remainder as private insurance.

16 9. Providence TrinityCare Hospice ("TrinityCare") provides a full range of
 17 palliative care and hospice care to patients nearing the end of life, including those
 18 at Providence Tarzana Medical Center.

19 10. Qui tam Relator Llorens Pembroke ("Relator" or "Dr. Pembroke") is a
 20 citizen and resident of the State of California and brings this action on behalf of the
 21 United States of America.

22 11. Dr. Pembroke has worked in the medical profession since graduating from
 23 the University of California at Davis School of Medicine in 1976.

24 12. Dr. Pembroke has designed and operated palliative care units since 1995,
 25 including as Director of a start-up independent palliative unit from 1995-2005 and
 26 Medical Director for Inpatient Hospice and Palliative Care for Sherman Oaks
 27 Hospital from 2003-2006.

28 13. In 2009 he was recruited by Providence Tarzana Medical Center's then CEO

1 Dale Surowitz and then CMO Glenn Irani to create and manage its first palliative
 2 care unit—as part of a system-wide push by Providence—which he did as an
 3 independent contractor until he was constructively discharged on June 19, 2014.

4 14. In this role, Dr. Pembroke was responsible for developing all of the
 5 palliative care protocols at the hospital and was the palliative care representative on
 6 the hospital committees.

7 THE MEDICARE PROGRAM

8 15. Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 *et seq.*, establishes
 9 the Health Insurance for the Aged and Disabled Program, popularly known as the
 10 Medicare program. The Secretary of Health and Human Services (“HHS”)
 11 administers the Medicare Program through the Centers for Medicare and Medicaid
 12 Services (“CMS”).

13 16. The Medicare program is comprised of four parts. Medicare Part A
 14 (“Hospital Insurance”) provides basic insurance for the costs of hospitalization and
 15 post hospitalization care. 42 U.S.C. §§ 1395c-i-5. Medicare Part B (“Medical
 16 Insurance”) is a federally subsidized, voluntary insurance program that covers the
 17 fee schedule amount for doctors' services, outpatient care, medical supplies, and
 18 laboratory services, including facility dialysis treatments. 42 U.S.C. §§ 1395j-w-5.
 19 Medicare Part C (“Medicare Advantage Plans”) is a plan offered by private
 20 insurers that contract with Medicare to provide Part A and Part B benefits. 42
 21 U.S.C. §§ 1395w-21-w-28. Medicare Part D (“Prescription Drug Coverage”) is a
 22 plan offered by private insurers approved by Medicare to provide basic insurance
 23 for prescription drugs. 42 U.S.C. §§ 1395w-101-w-154.

24 17. Reimbursement for Medicare Part A claims is made by the United States
 25 through CMS. Hospitals submit Medicare Part A claims directly to CMS, which in
 26 turn makes a standard, bundled payment based on a DRG diagnostic code.

27 18. Reimbursement for Medicare Part B claims is made by the United States
 28 through CMS. CMS, in turn, contracts with fiscal intermediaries to administer and

1 pay Medicare Part B claims from the Medicare Trust Fund. 42 U.S.C. § 1395(u). In
 2 this capacity, the fiscal intermediaries act on behalf of CMS. 42 C.F.R. § 421.5(b).
 3 Separate payments are made for each CPT procedural code listed on the Medicare
 4 Part B claims.

5 19. Reimbursement for Medicare Part C claims is made by the United States
 6 through CMS. CMS makes fixed monthly payments to each Medicare Choice
 7 organization for each enrolled individual, i.e., a capitated payment.

8 20. Reimbursement for Medicare Part D claims is made by the United States
 9 through CMS. CMS reimburses the insurance plans for a percentage of its
 10 payments for prescription drugs.

11 21. In order to receive Medicare funds, enrolled providers, including
 12 Defendants, together with their authorized agents, employees, and contractors, are
 13 required to abide by all the provisions of the Social Security Act, the regulations
 14 promulgated under the Act, and all applicable policies and procedures issued by the
 15 states.

16 22. Among the rules and regulations which enrolled providers, including
 17 Defendants, agree to follow are to: (a) bill Medicare for only those covered
 18 services which are medically necessary; (b) not bill Medicare for any services or
 19 items which were not performed or delivered in accordance with all applicable
 20 policies, nor submit false or inaccurate information relating to provider costs or
 21 services; (c) not engage in any act or omission that constitutes or results in over-
 22 utilization of services; (d) comply with state and federal statutes, policies and
 23 regulations applicable to the Medicare Program; and (e) not engage in any illegal
 24 activities related to the furnishing of services to recipients.

25 FRAUDULENT SCHEME

26 23. Palliative care is a medical specialty that helps patients and their families
 27 live as fully as possible when faced with a life-threatening illness. Palliative care
 28 services may be provided during any phase of an illness, including active

1 treatments such as chemotherapy. It addresses physical, intellectual, emotional,
 2 social, and spiritual needs and facilitates patient autonomy, access to information,
 3 and choice.

4 24. The majority of palliative care patients at Tarzana were end-of-life, mostly
 5 suffering from terminal cancer.

6 25. When a Medicare beneficiary is admitted to the hospital, they are assigned a
 7 DRG code, depending on their diagnosis. A DRG, or diagnostic related grouping,
 8 is how Medicare categorizes hospitalization costs and determines how much to pay
 9 for a patient's hospital stay. Rather than paying the hospital for an itemized list of
 10 procedures, medications, and supplies, Medicare pays the hospital a fixed amount
 11 based on the patient's DRG.

12 26. If the cost of treating the patient is less than the DRG reimbursement
 13 amount, the hospital makes a profit. If the patient costs more than the DRG pays,
 14 however, the hospital loses money on that patient.

15 27. Thus the DRG payment structure incentivizes hospitals such as Providence
 16 Tarzana Medical Center to treat and discharge patients as quickly and efficiently as
 17 possible.

18 28. Since at least 2012, the administrators at Tarzana have exerted a great deal of
 19 pressure on the case managers and discharge planners to discharge patients to their
 20 homes or to skilled nursing facilities as soon as they are able.

21 29. The palliative care team is a valuable resource for the hospital, as it has been
 22 found to considerably speed up discharges through education, compassion, and
 23 assisting the patients and their families.

24 30. General Inpatient Care (GIP) is a level of hospice care intended for a patient
 25 for whom pain control or symptom management cannot be managed by the regular
 26 hospital staff. *See* 42 C.F.R. § 418.302(b)(4); *see also* Medicare Benefit Policy
 27 Manual, Chapter 9, § 40.1.5.

28 31. GIP care is intended to be short-term care only. *See* 42 C.F.R. § 418.302(f)

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305; Fax 415.543.7861

1 (capping payment for respite/GIP).

2 32. Assigning a patient to GIP requires the hospital staff to certify that it lacks
3 the capability to properly manage the patient's pain or symptoms and so requires
4 outside assistances.

5 33. Whereas the hospital is normally limited to the DRG payment, regardless of
6 what treatments are required, once a patient is assigned to GIP, it can submit claims
7 for payment to Medicare for the provision of GIP services.

8 34. The payment rate for GIP varies by year and location, but, for example, the
9 unadjusted daily Medicare GIP rate for FY 2011 was \$652.27 per day.

10 35. For those patients whom Tarzana had difficulty discharging, administrators,
11 individually and by and through discharge planners and case managers, pressured
12 Dr. Pembroke and the palliative care service to assign the patients to GIP.

13 36. Dr. Pembroke and his staff constantly heard from administrators that patients
14 needed to be assigned to GIP to "get them off the hospital books."

15 37. When a patient has been assigned to GIP at Tarzana or other Providence
16 facilities, contractors from TrinityCare take over the patient's care until the
17 pain/symptoms subside.

18 38. Providence owns the GIP provider, TrinityCare, and so assigning patients to
19 GIP constitutes a windfall for Providence.

20 39. To the best of Dr. Pembroke's recollection, there was not a single patient
21 under his watch at Tarzana whose symptoms were out of control, thereby
22 necessitating GIP.

23 40. All of Tarzana's patient assignments to GIP were medically unnecessary and
24 unreasonable in the professional judgment of Dr. Pembroke, who was responsible
25 for the palliative care of these patients.

26 41. In fact, on one occasion, Tarzana assigned a patient to GIP without Dr.
27 Pembroke's knowledge or consent, and by the time TrinityCare arrived, he had
28 already resolved the patient's symptoms. TrinityCare stayed around to fill out the

1 paperwork and provide support, and this patient was billed to Medicare for GIP.

2 42. Since TrinityCare is owned and operated by Providence, it never decides that
 3 a patient is ineligible for GIP, participates in the fraud by keeping the patients on
 4 GIP for long periods, and Providence reaps all the profits of assigning a patient to
 5 GIP.

6 43. In fact, TrinityCare's Regional Palliative Care Director, Dr. Glenn
 7 Komatsu, signs the certifications for GIP without ever even seeing the patients.

8 44. During the time the patient is on GIP, the hospital is able to continue
 9 working on finding a place to discharge these patients, while being reimbursed for
 10 their care.

11 45. If the hospital is unable to safely discharge the patient at the end of their GIP
 12 period, they are unsafely discharged to their homes or SNFs.

13 46. Dr. Pembroke cannot recall a single instance at Tarzana where a patient was
 14 placed back into standard care after GIP.

15 47. Because the hospitalists group at Tarzana is underwritten by the hospital,
 16 and they are facing similar pressures to open up beds for new, paying patients, they
 17 readily sign off on these discharges.

18 48. The unsafe discharges of very sick patients became a point of contention
 19 between Dr. Pembroke and the hospital administration.

20 49. On a near daily basis, Dr. Pembroke and the palliative care nurses faced a
 21 barrage of pressure to assign patients to GIP, and off the hospital's books.

22 50. Not only did case managers and discharge planners pressure him—as they
 23 were forced to do by the administration—but when Dr. Pembroke refused to assign
 24 patients to GIP when it was medically unreasonable and unnecessary, pressure also
 25 came from CEO (Jerry Clute), CMO (Glen Irani), CNO/COO Phyllis Bushart, and
 26 the Risk Management department.

27 51. For two straight years, Dr. Pembroke had regular meetings and
 28 communications with the hospital administrators (some at his request), in which he

KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305; Fax 415.543.7861

1 explained his concerns with unsafe discharges and the strict criteria for GIP.

2 52. Dr. Pembroke can recall having requested, and held, at least two meetings
 3 with then CEO Jerry Clute.

4 53. Dr. Pembroke's concerns fell on deaf ears, however, and the administration
 5 became more intent on increasing the number of patients in GIP.

6 54. In fact, in one meeting, CEO Clute exclaimed "there must be some way to
 7 get around Medicare criteria for GIP."

8 55. On at least one occasion, CEO Clute requested that Dr. Pembroke decline to
 9 administer or take patients off of pain management and comfort medications at end
 10 of life so that they would qualify for GIP.

11 56. Dr. Pembroke, of course, refused.

12 57. In a subcommittee meeting, CMO Irani told Dr. Pembroke, in front of
 13 approximately ten other committee members, to go along with the administration's
 14 demands or "get out."

15 58. Palliative Care Nurse Laura Fairley and Tarzana Chief of Staff Alina Lopo
 16 also complained in committee meetings about patients being unsafely discharged
 17 to their homes.

18 59. When Tarzana patients were to be admitted to GIP, the orders in the
 19 patient's charts indicated that the nurses and/or social workers were to call Dr.
 20 Glenn Komatsu, TrinityCare Regional Palliative Care Director, and not Dr.
 21 Pembroke, notwithstanding that Dr. Komatsu had no direct involvement with the
 22 patients or their families, and so was in no position to make any medical
 23 determinations.

24 60. Dr. Komatsu signed the certifications that the patients qualified for GIP.

25 61. Dr. Pembroke had to monitor the patient charts daily to ensure that Dr.
 26 Komatsu, who again had no actual involvement with the patient, had not prescribed
 27 a dangerous course of treatment.

28 62. Dr. Pembroke argued constantly to hospital administrators that this was bad

KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305; Fax 415.543.7861

1 medicine, having the orders of an off-site doctor supersede the doctor on-site, but
 2 he was ignored.

3 63. In or about early spring 2014, Dr. Pembroke's right-hand woman, Palliative
 4 Care Nurse Laura Fairley, resigned.

5 64. She had stood by Dr. Pembroke on his decisions not to assign patients to
 6 GIP and had faced similar acts of retaliation.

7 65. The hospital changed her hours with no explanation, making it impossible
 8 for her to keep her position.

9 66. Although Nurse Fairley was an integral part of the Palliative Care Service,
 10 including handling all of the service's statistical data and scheduling meetings with
 11 the patients' families, the administration made no moves to replace her.

12 67. Dr. Pembroke met with CEO Clute and CNO Bushart to discuss the
 13 necessity of hiring a new Palliative Care Nurse, but she still was not replaced.

14 68. Dr. Pembroke was now running the entire palliative care service almost
 15 entirely by himself, which was unsustainable.

16 69. In or about late spring 2014, approximately eighteen months before Dr.
 17 Pembroke's contract would expire, CMO Irani began to look for his replacement.

18 70. Dr. Pembroke learned from the hospital Chief of Staff that CMO Irani had
 19 been conducting interviews for Dr. Pembroke's replacement while he was on
 20 vacation.

21 71. From that point on, the administration made Dr. Pembroke's life miserable
 22 in an effort to push him out.

23 72. Dr. Pembroke was also excluded from the GIP decision-making process for
 24 his patients; instead, the hospital contracted with independent consultants to give
 25 their opinions as to whether the patients qualified for GIP, and did not tell Dr.
 26 Pembroke—Medical Director for the Palliative Care Service—that these
 27 consultations were taking place.

28 73. Dr. Pembroke requested a meeting with all of the administrators regarding

1 the impropriety of his being excluded from decisions regarding the care of his own
 2 patients, but received no relief.

3 74. There were additional instances of retaliation as well. For example, for each
 4 of the three months leading up to his constructive discharge, the hospital delayed
 5 his monthly stipend by approximately two weeks.

6 75. Another example, the nursing staff accused him of “euthanizing patients”
 7 and nothing was done about it.

8 76. Yet another example, in the first quarter of 2014, the California Board of
 9 Medical Quality Assurance opened an investigation on his prescribing practices.
 10 This is the only review the Board had performed on Dr. Pembroke in his thirty-
 11 five years of practicing medicine, and, upon information and belief, it was
 12 instigated by the administration at Tarzana.

13 77. On June 18, 2014, CEO Clute met with Dr. Pembroke and told him that
 14 someone “higher up” in Providence’s regional administration was coming to the
 15 hospital to “oversee him.”

16 78. This was the final straw of a long series of retaliatory actions and hostile
 17 work environment created by Providence and Tarzana—including removing him
 18 from the decision-making process for his own patients, declining to give him the
 19 necessary support staff, interviewing his replacement while he still had over a year
 20 on his contract, verbally abusing and ostracizing him, and now assigning him a
 21 corporate supervisor—resulting in Dr. Pembroke’s constructive termination on
 22 June 19, 2014.

23 79. Upon information and belief, what Dr. Pembroke experienced firsthand has
 24 occurred across the entire Providence system, including but not limited to hospitals,
 25 hospices, and longterm care facilities (which, by billing patients as GIP, recover
 26 approximately three times as much as for routine care).

27 80. This belief is based on Dr. Pembroke’s own personal experience and
 28 understanding of how Tarzana was operated, and that orders and decisions

KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305; Fax 415.543.7861

including but not limited to the creation and supervision of the palliative care programs, replacement of Tarzana hospital administrators, and pressures to move patients to GIP to increase profits, were made by Providence on a corporate level.

COUNT I

Violation of 31 U.S.C. § 3729 – Federal False Claims Act

81. Relator incorporates and realleges herein all other paragraphs as if fully set forth herein.

82. As set forth above, Defendants, individually and by and through their agents, officers, and employees, knowingly presented or caused to be presented numerous false or fraudulent claims for payment or approval, in violation of the False Claims Act, 31 U.S.C. § 3729(a)(1)(A).

83. As set forth above, Defendants, individually and by and through their agents, officers, and employees, knowingly made, used, or caused to be made or used, false records or statements material to numerous false claims, in violation of the False Claims Act, 31 U.S.C. § 3729(a)(1)(B).

84. As set forth above, Defendants conspired to commit a violation of the False Claims Act, in violation of 31 U.S.C. § 3729(a)(1)(C).

85. Due to Defendants' conduct, the United States Government has suffered substantial monetary damages.

86. The United States is entitled to treble damages based upon the amount of damage sustained by the United States as a result of the aforementioned violations of the Federal False Claims Act, 31 U.S.C §§ 3729-3733, in an amount that will be proven at trial.

87. The United States is entitled to a civil penalty of between \$5,500 and \$11,000 as required by 31 U.S.C. § 3729(a) for each of the fraudulent claims and statements.

88. Relator is also entitled to reasonable attorney's fees and costs, pursuant to 31 U.S.C. § 3730(d)(1).

COUNT II

Violation of 31 U.S.C. § 3730 – Retaliation

89. Relator incorporates and realleges herein all other paragraphs as if fully set forth herein.

90. Providence and Tarzana violated Relator Pembroke's rights pursuant to 31 U.S.C. § 3730(h) by retaliating against him for lawful acts done by him in furtherance of an action under the False Claims Act and other efforts to stop one or more violations of the False Claims Act, including but not limited to his constructive discharge.

91. As a result of Defendants' actions, Relator Pembroke has suffered damages in an amount to be shown at trial.

PRAYER FOR RELIEF

WHEREFORE, Relator prays for judgment:

- (a) awarding the United States treble damages sustained by it for each of the false claims;
- (b) awarding the United States a civil penalty of \$11,000 for each of the false claims and statements;
- (c) awarding Relator 30% of the proceeds of this action and any alternate remedy or the settlement of any such claim;
- (d) awarding Relator special damages resulting from the retaliation pursuant to 31 U.S.C. § 3730(h);
- (e) awarding Relator his litigation costs and reasonable attorney's fees; and
- (f) granting such other relief as the Court may deem just and proper.

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305; Fax 415.543.7861

DEMAND FOR JURY

Pursuant to Fed. R. Civ. P. 38, the Relator hereby demands a trial by jury.

Respectfully Submitted,

DATED: February 5, 2016

KELLER GROVER LLP

By: 

KATHLEEN R. SCANLAN

JEFFREY F. KELLER

Attorneys for Relator

CERTIFICATE OF SERVICE

I, NATALYA ALTMAN, am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1965 Market Street, San Francisco, California 94103. On **February 5, 2016**, I served the foregoing document(s):

**COMPLAINT FOR VIOLATIONS OF THE FEDERAL
FALSE CLAIMS ACT****NOTICE OF INTERESTED PARTIES**

on the interested party(ies) as set forth below:

Loretta Lynch
Attorney General
U.S Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

David K. Barrett
Assistant U.S. Attorney
Chief, Civil Fraud Section
Central District of California
Federal Building Suite 7516
300 North Los Angeles Street
Los Angeles, CA 90012

Attorneys for United States

Attorneys for United States

<input checked="" type="checkbox"/>	(BY UNITED STATES MAIL) I sealed the envelope(s), with postage thereon fully prepaid, and on the date below, following ordinary business practices, I placed it for collection and mailing in the United States Postal Service, in San Francisco, California.
<input type="checkbox"/>	(BY FEDERAL EXPRESS – PRIORITY OVERNIGHT MAIL) I placed a true copy in a sealed envelope addressed as indicated above this date. I am familiar with the firm's practice of collection and processing correspondence for Federal Express delivery. It is deposited in a Federal Express depository on that same day in the ordinary course of business for delivery to the parties above the next business day.
<input type="checkbox"/>	(BY ELECTRONIC SERVICE) by electronically mailing a true and correct copy in PDF format through our electronic mail system to the email address(es) set forth above, or as stated on the attached service list per agreement between the parties.
<input type="checkbox"/>	(BY FACSIMILE) By transmitting to a facsimile machine maintained by the recipient at the facsimile machine telephone number as last given by that person.
<input type="checkbox"/>	(BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by

1	hand this date to the offices of the addressee(s).
2	
3	<input checked="" type="checkbox"/> (FEDERAL) I declare under penalty of perjury under the laws of the United States that the above is true and correct.

4 Executed on **February 5, 2016**, at San Francisco, California.

5 

6 NATALYA ALTMAN

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305; Fax 415.543.7861

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

UNITED STATES ex rel. LLORENS PEMBROOK

DEFENDANTS (Check box if you are representing yourself ☐)

PROVIDENCE HEALTH & SERVICES, et al

(b) County of Residence of First Listed Plaintiff Los Angeles
 (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
 (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

KELLER GROVER LLP
 1965 MARKET STREET
 SAN FRANCISCO, CA 94103

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☒ 1. U.S. Government Plaintiff ☐ 3. Federal Question (U.S. Government Not a Party)
☐ 2. U.S. Government Defendant ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES—For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☐ No ☐ **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

31 U.S.C. 3729-33; False Claims Act - healthcare fraud

VII. NATURE OF SUIT (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input checked="" type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV16-00835

CV-71 (10/14)

CIVIL COVER SHEET

Page 1 of 3

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF: <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	INITIAL DIVISION IN CACD IS: Western Southern Eastern	
QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> → B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input checked="" type="checkbox"/> NO. Continue to Question B.2. YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. <input checked="" type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> → C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2. YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION D: Location of plaintiffs and defendants? Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.) Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓		
QUESTION E: Initial Division? Enter the initial division determined by Question A, B, C, or D above: →	INITIAL DIVISION IN CACD WESTERN		
QUESTION F: Northern Counties? Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court?

☒ NO☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

☒ NO☐ YES

If yes, list case number(s): _____

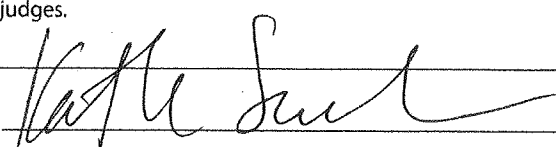
Civil cases are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):

DATE: 02/05/16

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))